

"ONE POOR HUMAN LIFE NOT WORTH PERSECUTION OF VOLUMINOUS PAPERS"

ous complaints I have to make against the manner of my prosecution must be addressed to a Governor who is the very person responsible for them as District Attorney, and that this has resulted in denying me equal protection of the laws with all other persons who have ever been accused of murder in this State.

The detailed assignments of error addressed to the Supreme Court in my behalf are annexed.

Mr. Justice Hughes denied my application for a writ of error on the ground that all these matters and proceedings of which I complained were within the jurisdiction of the State courts, and therefore no Federal question could be raised by the record.

There remained a possibility that a writ of habeas corpus might lie to bring the whole proceedings before the Supreme Court of the United States, including the question whether your insistence on reviewing as Governor proceedings conducted against me by you as District Attorney is consistent with that equal protection of the laws to which I am entitled under the Constitution.

I have asked my counsel to state frankly whether in his judgment the Supreme Court (if the case were to come before it on habeas corpus) would be likely to reverse the judgment against me. He answered that the only ground on which the Supreme Court could be asked to set aside my conviction is that from the moment when at the opening of my second trial I offered protection to the District Attorney instead of protecting my constitutional rights as he was sworn to do, and actually conspired to invade them by circulating false and scandalous statements to my injury all the subsequent proceedings as they are set out in the assignments of error were so utterly unfair that they constituted not an impartial trial, but a conspiracy to bring about my conviction. And counsel advised me that he did not believe the Supreme Court would ever render a decision condemning so sweepingly and seriously the entire judicial processes of a State.

On this question, however, I am entirely new he thought it possible that a writ might be issued out of the United States District Court, and perhaps even a stay of execution might be granted pending decision by the Supreme Court. But as the only effect of this would be to delay my death for a few months I have instructed him not to make the application.

Does Not Want Agony Prolonged.

If I am to die I am as ready now to meet my fate as I have any reason to think that I ever will be. I do not

MORE CONCERNED ABOUT VINDICATING HIS NAME

It is because I am much more concerned about vindicating my name and character than about preserving my life that I have compiled in the accompanying document a full and complete statement of all the facts of my life, and of all the circumstances which have led me to this point. I have written this statement in full, and in plain English, and I have included in it every fact which I believe to be material to the case. I have written it in full, and in plain English, and I have included in it every fact which I believe to be material to the case.

Tells Why He Knew Rose.

While the accompanying document details fully, I believe, every interview I ever had with Rosenthal and the substance of every communication I had with him, I will here state in brief statement of the reasons why I had any relations whatever with either. I think you will concede that my acquaintance and friendship with Rosenthal constituted the most damaging feature of the case built up against me. And yet surely you must realize that I was called at intervals by the Headquarters authorities to perform certain special tasks. These covered many branches of police work, from dealing with strikes and various forms of disorder to "getting" certain persons who were known to be habitual violators of the law, but against whom it was found almost impossible to obtain evidence sufficient for conviction.

Shortly after Mr. Rhinelander Waldo became Commissioner there were very general complaints, as your Excellency will doubtless remember, of ruffianism displayed by gangs of young rascals on the streets and in places of public resort through which peaceable citizens were terrorized and which often culminated in homicide. To suppress this evil a special squad was organized at Headquarters and I was appointed to command it. I think my superiors will testify that this duty was efficiently performed.

Took Up Gambling Work.

Rowdism was checked, and as the work for which my squad was organized became less onerous Commissioner Waldo began to assign me the duty of raiding different gambling houses. I never felt authorized to raid a gambling house with gambling. I had no power to molest any establishment unless one which the Commissioner himself specially ordered me to raid. Nevertheless, to be selected for such service was a mark of confidence which any policeman would value very highly and of which I certainly was exceedingly proud. As it was to my efficiency in suppressing rowdism alone that I attributed these other assignments, I was naturally anxious to show myself equally efficient in this new field of duty.

Suppression of gambling is a very different task from suppression of rowdism and much more difficult. Dealing with rowdies simply requires physical courage, steady nerves and cool judgment. The rowdy knows no restraint except fear—not of the law, but of the person charged with administering the law. He must be in fear of the man who wears the uniform. He cares nothing for the authority which the uniform typifies. The officer dealing with rowdies frequently takes his life in his hands, but he is hardly ever exposed to corrupt influences. The utmost degree of discretion that is required to exercise usually is to differentiate between the dangerous gangster who must be repressed sternly by the police and the citizen, ordinarily well behaved, but found acting in a disorderly manner through occasional indiscretion in drink, who should be treated with forbearance and good temper.

But the officer charged with suppression of gambling is beset on all sides with difficulties and temptations to be avoided, temptations to be withstood.

It was while engaged in this branch of police work that I met Rose for the first time. I had just raided a gambling house of which he was part owner. The occasion of our meeting and the circumstances under which he offered to become

desire a delay that can merely serve to prolong an agency which is already almost unendurable. There is but one service counsel or anybody else can render me now, and that is aid in finding evidence which will establish my innocence. If any other legal proceedings should be undertaken in my behalf in the courts they will have but that one object in view.

Although it involves the unprecedented (perhaps some would say preposterous) proceeding of asking his Excellency, Charles S. Whitman, Governor of the State, to review and reverse in some respects the conduct of Hon. Charles S. Whitman, District Attorney of New York county, in prosecuting me, nevertheless, that my constitutional rights may be at least assured, I ask your Excellency most respectfully to request that you submit to Mr. Justice Hughes to forbid execution of the capital sentence pronounced on me.

I ask your Excellency further in the light of certain facts now disclosed for the first time to forbid my execution on the ground that my guilt of this murder is not established so clearly as to justify the taking of a human life by the public executioner.

Here, sir, let me say that I do not ask any indulgence at your hands.

If I have actually committed the crime of which I have been found guilty no criminal ever went to execution who more thoroughly deserved the penalty inflicted on him.

Would Be Doubly Guilty.

I was an officer of the law, as such I was equipped with extraordinary power, to be exercised first and above all for the safety and protection of property. If I have really and in fact abused these powers conferred on me for the protection of life by perverting them to accomplish the destruction of life, I am doubly guilty. To the heinous crime of murdering a fellow being I have added a species of treason against the community. I have betrayed my trust.

I freely concede there could be neither warrant nor justification for clemency. Moreover, if I were given the choice of being hanged or of being put to death by electric chair and living a life in a prison cell, I should certainly not be inclined to prefer the longer over the shorter agony.

But I do not desire to be forced to bear—living or dead—the stigma of murder. I do not deserve that infamy. Am innocent as you of having murdered, and I am as ready to die as you, counselled, procured or abetted his murder.

Stool Pigeon as a Destroyer.

When the attack on him becomes formidable the officer almost invariably finds the stool pigeon whom he has used the chief agent employed to destroy him. The stool pigeon therefore is never trusted. He is certainly not to be trusted by your Excellency, knowing all this, must realize not merely the utter improbability, but the absolute impossibility that I could have trusted a stool pigeon like Rose with confidences involving my character and my life.

It is indeed quite likely that Rose may have been connected with some of my gambling friends as a "collector" to demand money from gamblers as the price of protecting their business by his influence. His association could have been merely a measure of self-protection on his part. His work as a stool pigeon for me necessitated frequent meetings with him. His association could have been understood by gamblers as indicating only one of two things: either that he was my stool pigeon or my collector.

Such were my relations with Rose when I met Rosenthal for the first time at the Elks banquet on New Year's eve. The circumstances of this meeting are all described down to the last detail that I can recall in the written account which is annexed. But there were many reasons not there mentioned which made me anxious to avoid him.

Though I had never met him I knew a good deal about him. Indeed I had been asked by Capt. Bugar, while he was First Deputy Commissioner and I was doing desk duty in the Fourth precinct, to raid an establishment then known to be a gambling house. But to have done this successfully would have seriously discredited the inspector and captain of the precinct in which the establishment was located, both of whom were valued personal friends.

On the other hand I would not betray the Commissioner's confidence by deliberately failing to execute loyally any task that he had confided to me. I asked Commissioner Bugar therefore as a special favor to relieve me from this duty. He complied with the request and assigned the raid to the two lieutenants who stood highest on the list of eligibles for promotion. It was made and it was successful. Rosenthal, at once charged these officers with having wittingly destroyed valuable property belonging to him. A warrant was actually issued by a police Magistrate on his complaint, but though several examinations were held the proceedings never came to anything. These officers are now high in the department and deserve the promotion they have obtained.

Tells of Meeting Sullivan.

With this knowledge of Rosenthal I could hardly have been eager to cultivate his acquaintance. I never spoke to him after the meeting until the occasion when I called to see Senator Sullivan at his office in the Shanley Building on the invitation of his half-brother, Lawrence Sullivan, as described in the accompanying affidavit.

That meeting was my first with the man so widely known as Big Tim. Your Excellency may have some difficulty now in realizing the value which I then placed on the invitation to meet Mr. Sullivan, although your Excellency as District Attorney must have made you familiar with the extraordinary power which he wielded. His influence in the Police Department—no matter how unbounded. A policeman who succeeded in enlisting his favor was considered sure of promotion. Mr. Sullivan was the author of the law against carrying concealed weapons, enforcement of which was among the peculiar duties of his squad. To be assured by him of his favor was to be assured of his favor.

When Sullivan told me, as these act forth, that he was interested in Rosenthal, I was not at all surprised. I did not for a moment (it is only fair to say) understand him as saying that he was Rosenthal's partner. So far as I knew, he was a perfect stranger to me. I was not at all surprised when he said that he was Rosenthal's partner. So far as I knew, he was a perfect stranger to me.

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Former Lieut. Charles Becker.

In business depends very largely on his capacity to make friends. He is nearly always connected with some political leader, not merely by political association, but also by ties of strong personal attachment. The officer who succeeds in raising a prosperous gambling establishment must be able to make friends of the object of persistent and highly ingenious schemes to secure his dismissal from the force. The usual method of raising money for the purpose is by demanding money for refraining from a raid or else with unnecessary destruction of property in prosecuting it.

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leave it must be because he had something distasteful to me. Now everything he could say has already been said and published. It is absolutely necessary to my position in the department that his statements be faced and disproved. This I was prepared to do. His charge that I was the owner of the chattel mortgage Rose stood ready to disprove, and beyond that there was nothing really worthy of notice in his charges.

Might Reach Election Matters.

The Senator answered: "Where a fire of this kind is started there is no knowing where it will reach. Rosenthal has been very active in the department and personally, and once inquiries start they may reach election matters. And secret investigations of elections by the police are always been sources of great trouble."

I don't know whether the Senator actually mentioned the troubles that had overtaken me, or whether he merely mentioned the fact that I was a stool pigeon. I don't know whether I was actually mentioned to me, or whether I was merely mentioned to me. I don't know whether I was actually mentioned to me, or whether I was merely mentioned to me.

This promise I gave, and I have kept it. I have not mentioned the fact that I was a stool pigeon to any one. I have not mentioned the fact that I was a stool pigeon to any one. I have not mentioned the fact that I was a stool pigeon to any one.

Willing to Give \$25,000.

He expressed very warm appreciation of my attitude toward the case. Just as we emerged from the building he said: "I would give \$25,000, yes, \$25,000, to have prevented this thing or to stop it now. I could not pay much more attention to the remark, but I don't think Mr. Applebaum and Rose in the other auto and went home to bed."

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No Friends Among Gamblers.

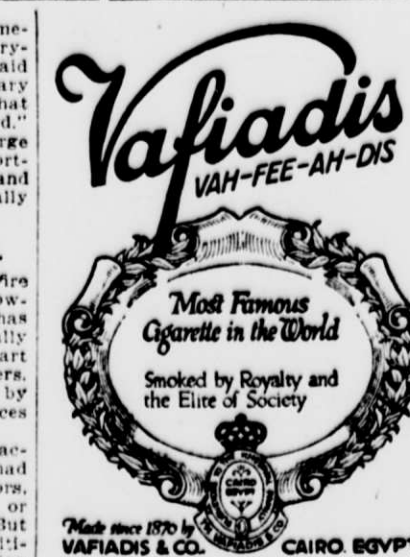
The information could only come from the gamblers who contributed the money. Among them I never had any friends. Indeed, the policeman is always an object of aversion to gamblers and all violators of the law whom he has been compelled to pursue. No gambler who can aid me is likely to be volunteered from such sources. In the underworld Rose has acquired added distinction by removing the barriers which have been fastened securely around his neck and the necks of his associates by indiscreet evidence, and fastening it around the neck of the police.

And now, sir, that I have disclosed all the facts concerning this homicide within my knowledge, let me ask your attention to the manner in which some of them have been perverted and distorted to my injury. I concede freely that no public officer has ever performed a service more valuable to the community which has honored him than you did in appointing me to the station house immediately after the Rosenthal murder, and by correcting the mistaken error on the blotter concerning the motive for the murder, which had been given by the driver's auto, made inevitable the capture of the driver and as a natural consequence of the assassins.

Belief Led to Distortion. Conceive, sir, the degree to which under the empire of this belief in my guilt you have been led to pervert and distort the circumstances which should have tended to establish my innocence. When my counsel appeared before you to ask that, in view of your part in my prosecution, the Executive action in the case be referred to some distinguished jurist for advice, you said it was my appearance at the police station shortly after the murder that first led you to suspect me of complicity in it; and yet, as I went there for precisely the same reasons that led you to go there.

When I learned from Hawley of Rosenthal's death, I said at once to my wife, as she can testify, "I never now can meet and disprove those charges Rosenthal made against me, and while they cannot be prosecuted they will hang like a cloud over me in the department." There was but one way by which it might be possible to offset the injury I sustained from this disclosure, and that was by discovering some clue to his murder which would greatly enhance my reputation on the force. My wife agreed, and for that reason I advised me to comply with Hawley's request and go immediately downtown.

When I reached the station house I found that the station house was crowded with criminals, because the entire pro-



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Becker you can say there is no prejudice whatever against him in this office. On the contrary, I recognize that he has been a singularly efficient officer. His raid on the Lincoln Hotel was a splendid piece of police work and earned him the office to gain considerable credit. While I shall, of course, examine these charges of Rosenthal, unless they are corroborated, they would not of themselves be sufficient to justify an indictment, and you can tell Becker that this office will do nothing unfair, but full justice to him and everybody else."

Almost Went to Jersey.

It was after this conversation that I offered to take Mr. Terry home. He lived in New Jersey. It was then past midnight. I had no car, and I had no money. I could not have returned to New York city until between 4 and 5 in the morning. I would not then have gone to the station house immediately after the murder, nor would I have passed Forty-second street and dropped Sullivan there, both of which events became strong features of the case against me.

I never believe your Excellency will question the fact of my proposal to take Mr. Terry to his home in New Jersey. I never said I was going to New Jersey. I never said I was going to New Jersey. I never said I was going to New Jersey.

The statements imputed to me concerning the circumstances immediately attending Rosenthal's murder, which were published yesterday and to-day which I am forced to address you now are entirely unfounded.

Money That Would Buy a Murder.

It is, indeed, matter of common knowledge that I am informed in every newspaper office that a sum of money had been raised, probably by Rose from the gamblers, to get Rosenthal away; that I had consented to go for a larger sum; that I was for this larger sum he is said to have been waiting at the Metropole when the shot was fired, and instead of getting the money which he had promised, he was shot to death by the gunmen.

Of course, if it could be shown that Rose had been entrusted with a sum of money (whether \$5,000 or \$10,000), to be given Rosenthal, it would shed a flood of light on the case. It would explain the source of the \$15,000, which admittedly he paid to the gunmen for committing the murder, while the disbursement of the money would be in connection with his known hostility to Rosenthal and his fear of him, would amply explain the assassination of this man, who had been so recently a victim of the murder from which he had just escaped.

And, sir, it is conceivable if I had known Rose was the real instigator of this crime that on the day after the commission I could have been seeking him at Pollok's house, not secretly or alone, but openly in the company of a notary who was a perfect stranger to me (after having vainly sought one with Mr. Hart at the Harvard Club), thus incurring not merely the risk but the certainty of being shot to death. I can aid me is likely to be volunteered from such sources. In the underworld Rose has acquired added distinction by removing the barriers which have been fastened securely around his neck and the necks of his associates by indiscreet evidence, and fastening it around the neck of the police.

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of conscious innocence, is held evidence of proven guilt.

I need hardly point out to you that it was this preconception of my guilt which led both Mr. Justice Seabury and you to misapprehend and misstate testimony given against me on the second trial so radically that it was grievously misstated both in your address and in the charge of the court to the jury. The most flagrant instances of these misstatements have been pointed out to the Court of Appeals in the brief submitted by my counsel on the motion for a retrial. It is (I repeat) that both the trial court and the Court of Appeals assumed the testimony in the second trial to be identical with that given on the first, whereas they were radically different, and it was on this misconception of the whole case that the Court of Appeals affirmed the judgment against me.

I mention all this, sir, not to complain, but to reinforce the request which I now make that Joseph Murphy, confined in the State prison at Sing Sing, be allowed to see me, and that I be allowed to see him, and that I be allowed to see him, and that I be allowed to see him.

When my counsel submitted to you a letter voluntarily addressed to him by this man Murphy you said (as I am informed) that the writer was not in the Tombs while Rose and the others were in the Tombs. I have since caused the record to be examined, and I beg now, sir, to state that you were mistaken. Not merely was he an inmate of the Tombs at that time, but his statement that these men were visited by Mr. Applebaum on the Sunday that he mentioned can be verified, and by Mr. Applebaum himself.

Before my arrest, but after I had been transferred from Headquarters to duty at the Sixty-fifth precinct, Mr. Applebaum called on me in my office, and in the station house, and a few days later (the day before the Sunday mentioned by Murphy in his letter) I met him in the morning. I would not then have gone to the station house immediately after the murder, nor would I have passed Forty-second street and dropped Sullivan there, both of which events became strong features of the case against me.

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And, sir, it is conceivable if I had known Rose was the real instigator of this crime that on the day after the commission I could have been seeking him at Pollok's house, not secretly or alone, but openly in the company of a notary who was a perfect stranger to me (after having vainly sought one with Mr. Hart at the Harvard Club), thus incurring not merely the risk but the certainty of being shot to death. I can aid me is likely to be volunteered from such sources. In the underworld Rose has acquired added distinction by removing the barriers which have been fastened securely around his neck and the necks of his associates by indiscreet evidence, and fastening it around the neck of the police.

Money That Would Buy a Murder.

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